

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration of the present Application in view of the following reasons. 1-12 and 38, 40-44, 46, 47, 49-64, 67, 68, 70-74, 76, and 77 are pending in this application.

Applicants thank the Examiner for withdrawing the rejections under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 101.

Claim Rejections Under 35 U.S.C. § 103(a)

On page 3 of the Office Action, Claims 9-11, 61, 72, 46, 62, 63, 67, 73, and 76 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,421,527 to DeMartin (hereinafter "*DeMartin*") in view of U.S. Patent No. 6,067,289 to Mueller (hereinafter "*Mueller*"). Applicants respectfully traverse the rejection.

On page 4 of the Office Action, the Examiner acknowledges that *DeMartin* does not show the claimed "wherein the generic TRAU frame is adaptable for use with different codecs." For this feature, the Examiner points to *Mueller*. The Examiner points to the Abstract of *Mueller*, which states in part:

This predefined frame format (TRAU) is preserved even if the coding rates in the uplink and downlink are different.

Thus, *Mueller* indicates that different **coding rates** can be used with a TRAU. However, use of different coding rates is not the same as the claimed "wherein the generic TRAU frame is adaptable for use with different codecs." Indeed, *Mueller* describes a system which uses a "transcoder-free" transmission and a transcoder designed to receive "transcoder-free" transmissions. (See Col. 3, lines 26-45.) There is no suggestion of different or multiple codecs in *Mueller*.

Starting in Col. 2, line 58, *Mueller* explains that if “the uplink and downlink have different compression schemes/coding rates, **recoding is required**.” (emphasis added.) *Mueller* explains that both decoding and encoding take place in the downlink. (See col. 3, lines 8-11.) Regarding the use of different rates, *Mueller* explains:

The downlink transcoder must only identify the TRAU frame format received via the A interface and compare it with the format used in its downlink. **If the frame formats are identical, the transcoder operates in a transparent mode**, i.e., switching through takes place without modification; **otherwise recoding is performed**, i.e., encoding in the format of the uplink/ decoding in the format of the downlink.

(Col. 3, lines 17-25, emphasis added.) As such, if the frame formats are identical, switching happens without modification. However, if the frame formats are not identical, the formats must be recoded.

For at least the foregoing reasons, *Mueller* does not show the claimed “wherein the generic TRAU frame is adaptable for use with different codecs” that the Examiner acknowledges is missing from *DeMartin*. The combination of *DeMartin* and *Mueller* do not, therefore, show all of the elements of Claims 9-11, 61, 72, 46, 62, 63, 67, 73, and 76. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 1-4, 6-8, 38-43, 47-54, 57-60, 68-71, and 77

On page 8 of the Office Action, Claims 1-4, 6-8, 38-43, 47-54, 57-60, 68-71, and 77 are rejected over *DeMartin* in view of U.S. Patent Application Publication No. 2002/0003783 to Niemela (hereinafter “*Niemela*”) in view of *Mueller*. Applicants respectfully traverse the rejection.

On page 4 of the Office Action, the Examiner acknowledges that the “combination of *DeMartin* and *Niemela* does not explicitly teach wherein the generic TRAU frame is adaptable for use with different codecs.” For this missing teaching, the Examiner points to *Mueller*.

However, as explained above, *Mueller* does not disclose the claimed “wherein the generic TRAU frame is adaptable for use with different codecs.” *Mueller* only describes the use of different coding rates and, if different rates are used, then recoding is required.

As such, the combination of *DeMartin*, *Niemela* and *Mueller* do not show all of the elements of Claims 1-4, 6-8, 38-43, 47-54, 57-60, 68-71, and 77. Withdrawal of the rejection is respectfully requested.

Claims 5, 55, and 56

On page 16 of the Office Action, Claims 5, 55, and 56 are rejected over *DeMartin* and *Niemela* and *Mueller* in view of U.S. Patent No. 6,636,497 to Honkasalo (hereinafter “*Honkasalo*”). Applicants respectfully traverse the rejection.

Claims 5, 55, and 56 depend from claims which include the claim feature: “wherein the generic TRAU frame is adaptable for use with different codecs.” As Applicants have explained above, *Mueller* does not show this feature. Therefore, Applicants respectfully request withdrawal of the rejection.

Claim 43

On page 18 of the Office Action, Claim 43 is rejected over *DeMartin* and *Niemela* and *Mueller* in view of U.S. Patent Application Publication No. 2003/0133494 to Bender (hereinafter “*Bender*”). Applicants respectfully traverse the rejection.

Claim 43 depends from a claim which includes the claim feature: “wherein the generic TRAU frame is adaptable for use with different codecs.” As Applicants have explained above, *Mueller* does not show this feature. Therefore, Applicants respectfully request withdrawal of the rejection.

Claims 12 and 64

On page 19 of the Office Action, Claims 12 and 64 are rejected over *DeMartin* in view of *Mueller* and in view of *Honkasalo*. Applicants respectfully traverse the rejection.

Claims 12 and 64 depend from claims which include the claim feature: “wherein the generic TRAU frame is adaptable for use with different codecs.” As Applicants have explained above, *Mueller* does not show this feature. Therefore, Applicants respectfully request withdrawal of the rejection.

Claims 44 and 74

On page 19 of the Office Action, Claims 44 and 74 were rejected over *DeMartin* and *Mueller* in view of *Niemela*. Applicants respectfully traverse the rejection.

Claims 44 and 74 depend from claims which include the claim feature: “wherein the generic TRAU frame is adaptable for use with different codecs.” As Applicants have explained above, *Mueller* does not show this feature. Therefore, Applicants respectfully request withdrawal of the rejection.

Allowable Subject Matter

On page 21 of the Office Action, Claims 6, 41, and 58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for noting the allowable subject matter. However, in light of the reasons set forth above, Applicants respectfully submit that Claim 1 is in condition for allowance. For at least the same reasons, Applicants respectfully submit that Claims 6, 41, and 58, which depend from Claims 1 and 47, are also in condition for allowance. Applicants respectfully request withdrawal of the objection to Claims 6, 41, and 58.

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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